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M00313-132702

December 11, 2009

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Permitted *Ex Parte* Presentation, WC Docket No. 09-144

Dear Ms. Dortch:

On December 10, 2009, Millicorp met with the following persons from the Office of the General Counsel and the Wireline Competition Bureau to discuss the Petition for Declaratory Ruling filed by Securus Technologies, Inc. on July 24, 2009 ("Securus Petition"):

Austin Schlick - General Counsel
Julie Veach - Associate General Counsel
Diane Griffin Holland - Assistant General Counsel for Administrative Law
Marcus Maher - Legal Advisor to the Wireline Competition Bureau Chief
Albert Lewis - Chief, Pricing Policy Division, Wireline Competition Bureau
Pamela Arluk - Assistant Division Chief, Pricing Policy Division, Wireline Competition Bureau
Lynne Engledow - Pricing Policy Division, Wireline Competition Bureau

Millicorp discussed its Comments and Reply Comments opposing the Securus Petition and the comments and reply comments of other parties filed in response to the Commission's Public Notice on the Securus Petition, DA 09-1781, released August 10, 2009, including the reply comments of Securus and Global Tel*Link Corp. ("GTL") Millicorp also discussed its request for investigation for inmate payphone service ("IPS") providers Securus and GTL, previously filed on July 15, 2009, with the Commission's Enforcement Bureau regarding the continuing unlawful blocking of calls to customers of Millicorp by Securus and GTL.

Millicorp emphasized that (1) it is a legitimate, FCC-regulated and compliant interconnected voice over Internet Protocol ("VOIP") provider whose customers can make and receive phone calls to and from the public switched telephone network ("PSTN"), no different than Vonage;¹ (2) Millicorp's VOIP service does not present a security risk to prisons or jails or

¹ The Commission has defined "interconnected VOIP" as a service that (1) enables real-time, two way voice communications; (2) requires a broadband connection from the user's location; (3) requires Internet protocol-compatible customer premises equipment (CPE); and (4) permits users generally to receive calls that originate on the public switched telephone network (PSTN) and to terminate calls to the PSTN. 47 C.F.R. § 9.3. Millicorp's

that in any way enables inmate dial-around or call forwarding of calls made from IPS providers' payphones, as supported by the findings of the Michigan Department of Corrections memorandum attached to the Securus reply comments in this proceeding; and (3) Securus' and GTL's unlawful and unauthorized blocking of calls to the customers of Millicorp, Vonage, and other legitimate providers because of use of telephone numbers local to prisons and jails continues at present without recourse in violation of federal telecommunications law and policy.

Millicorp discussed consumer comments filed with the Commission in this proceeding that demonstrate that IPS providers Securus and GTL are blocking calls to Millicorp, Vonage, and at least one cellphone provider because the phone numbers of the called parties were local to the relevant confinement facility. Millicorp estimates that a total of 15,000 telephone numbers have been blocked to date by Securus and GTL. Millicorp further emphasized its belief that Securus and GTL are allowing many of their customers to receive calls using standard and prepaid cellphones with non-local telephone numbers, such as TracFone Wireless, that are less secure in terms of customer location identification than the local interconnected VOIP service offerings of Millicorp and Vonage.

Further, Google Voice does not require an account name or physical address for its customers and their terminating numbers, yet Securus states in its reply comments that it does not block legitimate providers such as Google Voice and Vonage, implying that these VOIP providers services and phone numbers are secure or more secure than Millicorp's services. Millicorp, however, provides greater security and ability to locate its customers than Google Voice because of the name and physical billing address information required from Millicorp's customers upon sign-up for the ConsCallHome service offering, and Vonage permits its customers to allow its service to ring on multiple phone devices, i.e., more than one telephone number, which Millicorp does not.

interconnected VOIP CCH offering meets this four-prong definition: (1) Millicorp CCH customers are able to make real time, two-way voice communications with inmates located in confinement facilities using inmate calling services such as service provided by Securus and GTL, as well as make and receive voice communications calls to and from other parties; (2) Millicorp's CCH service requires a broadband connection if using IP-compatible CPE, but the vast majority of customers do not use IP-compatible CPE and therefore do not require a broadband connection; (3) Millicorp's CCH service can be provided with or without IP-compatible CPE; and (4) Millicorp's CCH service permits users generally to receive calls that originate on the PSTN, such as an inmate call from a confinement facility using an ICS provider's service, and to terminate calls to the PSTN. Moreover, Millicorp's CCH service offering qualifies as an interconnected VOIP service offering because Millicorp outsources and resells some of the functions of its interconnected VOIP service purchased from wholesale interconnected VOIP providers, such as BroadVox LLC. *See In the Matter of Cardinal Broadband, LLC, AKA Sovereign Telecommunications, a Wholly Owned Subsidiary of Cardinal Communications, Inc.*, File No. EB-07-SE-310, Notice of Apparent Liability for Forfeiture and Order, DA 08-1920, 23 FCC Rcd. 12224, ¶¶ 6-12 (finding that even if neither IP-compatible CPE nor a broadband connection were required for a particular communications service offering, communications service provider met the requirements of 47 C.F.R. § 9.3 to qualify as an interconnected VOIP provider because it outsourced and resold some or all of the functions required for interconnected VOIP service from a wholesale interconnected VOIP service provider).

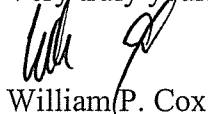
These facts support Millicorp's strong contention that the call blocking at issue is simply driven by the IPS providers' loss of revenues as the customers of legitimate interconnected VOIP providers receive local calls from inmates with greater and greater frequency. Millicorp is clearly being singled out by Securus because it markets its ConsCallHome VOIP service to the niche market of the friends and families of inmates.

Millicorp also discussed the fact that this type of IPS service call blocking by Securus and GTL, which previously has occurred primarily in local and state prisons and jails, is becoming an increasing problem in federal prisons. Millicorp noted that at least one Federal Bureau of Prisons official stated to counsel for Millicorp that the call blocking of Millicorp's service by the federal IPS provider was required for funding reasons, *i.e.*, loss of long distance revenues by the federal IPS provider resulting from inmate calls to customers of interconnected VOIP providers. It is Millicorp's strong contention that a loss of IPS service provider revenues justification in no way supports or legitimizes the overt and unabashed call blocking of legitimate and FCC-regulated and compliant interconnected VOIP services in violation of the federal Telecommunications Act and applicable Commission orders and rules.

Finally, Millicorp explained that it is doing everything in its power to make sure that its service is secure and does not compromise the security of any confinement facility. Millicorp has deliberately disabled functionality for call forwarding, three-way calling, and multi-phone device ringing for its ConsCallHome service offering. Further, Millicorp is willing to block calls to or from any telephone numbers if provided in a reasonable manner by a confinement facility directly or through its IPS provider based on those specific telephone numbers being for parties prohibited by law, such as prosecutors or judges. Millicorp stands ready to implement any reasonable measures that the FCC deems necessary to enhance the security of its ConsCallHome service offering.

Representing Millicorp were Timothy Meade, President, Donovan Osborne, Communications Director, Jeff Brown, Lavalley, Brown, Ronan & Mullins P.A. / outside counsel for Millicorp, and the undersigned. This disclosure is made in compliance with 47 C.F.R. §§ 1.1206(a)(3) and (b)(2).

Very truly yours,



William P. Cox

WPC:dac

cc: Austin Schlick
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Pamela Arluk
Lynne Engledow